



PATRICK J. SMITH
Environmental Engineer

(740) 283-5542

June 27, 2003

Mr. Richard Stewart
Ohio EPA – SEDO
Division of Hazardous Waste Management
2195 Front Street
Logan, Ohio 43138-9031

**RE: Response to May 27, 2003 RCRA Inspection Letter
 Wheeling-Pittsburgh Steel Corporation
 Martins Ferry Plant**

Dear Mr. Stewart:

This correspondence is intended to address issues raised in your May 27, 2003 inspection report.

1. Hazardous Waste Determination

As we stated in our previously response, “the paint booth observed during the November 2001 inspection is out-of-service and inside an area of the former plant #1 complex”. There are no containers of new or used paint or any solvents in the old paint booth. We do not consider the empty paint booth to be a solid waste nor a threat to human health or the environment.

2. Purpose and Implementation of Contingency Plan

As we stated in previous responses to this issue, WPSC respectfully disagrees with your position. OAC Rule 3745-65-51(B) applies to “hazardous waste” and we do consider the former ARCO scrubber equipment to have been a solid waste, therefore it could not have been a hazardous waste. Furthermore, the condition presented no threat to human health or the environment. Based on the response to this issue by the USEPA Multi-Media inspection personnel, we believe their action confirms our judgment was appropriate.



3. Emergency procedures

As we state in previous responses, "we believe your application of this referenced regulation is not appropriate".

4. Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities

A. Wastes that are treated in our on-site wastewater treatment plant are exempt from RCRA regulations; therefore, OAC Rule 3745-270 is not applicable.

B. With regard to the number of Notice of Violations referred to in your letter, WPSC has respectfully informed you of our actions and reasons why we do not agree with your assessment. We believe that environmental professionals may disagree on such matters. Nevertheless, WPSC's regulatory interpretations and actions will continue to be directed by our commitment to protect human health and the environment in the areas in which our personnel live and work.

5. Prohibitions

In our previous response to this issue on April 19, 2002, we provided a detailed explanation on our waste determination of the duct work we previously stored in the area. As we stated, "We believe 'generator' closure is sufficient to protect the environment and to satisfy the OAC rules. We have implemented such generator closure in the area in question. WPSC has also taken measures to continue to ensure that storage of hazardous waste will not occur at this site."

With respect to the adjacent local public well field, we have conducted groundwater monitoring for the past 10 years in WPSC monitoring wells that completely encompass the area in which the duct work once laid on its concrete pad. The monitoring is performed in compliance with the Ohio Bureau of Underground Storage Tank Regulations. Based on our monitoring results, there is no indication of contaminant movement to the wells. The nearest well in the Martins Ferry Municipal Water Authority (MFMWA) is about 700 feet from the former used equipment laydown area. The MFMWA wells are located immediately adjacent to the Ohio River from which they draw most of their water via induced infiltration from the river.

6. Closure Plan

As stated in our previous responses, we respectfully disagree with your premise regarding a RCRA Closure Plan. As you know, USEPA reviewed this issue and were satisfied with our response, as we explained in detail in previous responses.

7. Personnel training

As stated in previous responses to this issue, "WPSC believes we are in compliance with the OAC regulations that require personnel training. Nevertheless, as part of our effort to gain ISO 14001 certification, our procedures regarding this training will be enhanced."

8. Maintenance and operation of the facility

We believe that our detailed response (included below) to your previous letters adequately addresses this issue.

- A. As stated in previous responses to this issue, "OAC Rule 3745-65 is not applicable to the Martins Ferry Plant as explained in our response to item [2] above. Nevertheless, WPSC intends to implement ISO 14001/EMS procedures for all of our plants. Because of our present bankruptcy status and extreme financial condition, we had to terminate our contract with the consultant helping us with ISO 14001 implementation and postpone previously established completion dates. However, we have focused our efforts on preparing those ISO 14001 procedures for the most pressing environmental issues, such as the Ferrous Chloride Consent Order with OEPA for the Yorkville and Steubenville North plants. We also have completed the ISO 14001 procedures for release reporting. We now intend to focus our limited resources on preparing ISO 14001 procedures for overall waste management for all of our plants, but will start with the ones located in the state of Ohio."
- B. As stated in previous responses to this issue, "OAC Rule 3745-65 is not applicable to the Martins Ferry plant as explained in our response to item [2] above. Nevertheless, with regard to the stained area under the process line where Chemtreat is applied to the steel, WPSC endeavors to capture the *de minimus* quantities of the Chemtreat material that are not captured in the process system by using "floor dry" absorbent. As a waste minimization effort, the floor dry is allowed to become saturated before it is removed and managed as a hazardous waste. In the event of a spill of the Chemtreat material, we attempt to recover as much of this material as possible, then promptly clean up the remaining portion and manage it as a hazardous waste."

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9. General inspection requirements

No action required.

10. General waste analysis

No action required.

11. Operating record

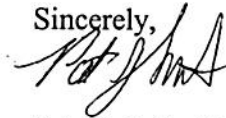
No action required.

GENERAL COMMENTS

With regard to your note concerning a closure cost estimate, we received letters from Mr. Issac Wilder on this subject on December 19, 2002 and February 24, 2003. We replied to Mr. Wilder in our letter of March 12, 2003. A copy of our response letter is attached.

If you have any questions regarding this submittal, please contact me at (740) 283-5542.

Sincerely,



Patrick J. Smith
Environmental Engineer

Attachment: March 12, 2003 Response to Mr. Wilder, OEPA

cc: Ken Komoroski (Kirkpatrick & Lockhart)
Lenny Vinci
Wayne Pysh
PJS/ECSF
BES/ECMF 1.4.5.2.2

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